PORSF
11, 3.31.5.1

Oregon
John A. Kitzhaber, M.D., Governor

Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
TTY (503) 229-6993

January 12, 2001

Judy Linton
U.S. Army Corps of Engineers
ATTN: Operations Division
P.O. Box 2946
Portland, OR 97208-2946

Dear Ms. Linton:

The Department of Environmental Quality (DEQ) has reviewed Corps of Engineers permit application for the Port of Portland, # 2000-950 (DSL RP-7391), which is a modification and renewal of an existing 5-year permit ID# 1996-00496. The applicant proposes to conduct maintenance dredging at three berthing areas at Marine Terminal 6 (Berths 603-605) to remove sediments that have accumulated above navigational depths. Sediments are proposed to be removed to a depth of -40 feet NGVD plus 2 feet of overdredge. Terminal 6 is located on the Oregon Slough along the south bank of the Columbia River at River Mile (RM) 102. Terminal 6 is the Port's primary container facility.

The Port also proposes to remove sediments from one berthing area at Marine Terminal 5 (Berth 503). Terminal 5 is located on the east bank of the Willamette River at RM 1.0 and is used primarily to handle potash and other dry bulk material. This action is authorized under an existing Army Corps of Engineers (ACOE) Section 10 Rivers and Harbors Act Permit # 071-OYA-1-008760 (DSL 2080). The Corps plans to issue a Nationwide Permit # 16 to cover the return water from the operation. This Section 401 Water Quality Certificate is intended to authorize both dredging activities, i.e. the USACE Section 404 permit, ID# 2000-950; and, the USACE Nationwide Permit 16 attached to USACE permit # 071-OYA-1-008760. All conditions in this Section 401 Water Quality Certificate apply to all three permits including the Suttle Road Dredge Rehandle Pilot Project portion.

The Port is proposing to transport all sediments, after removal, to a pilot sediment rehandling facility called the Suttle Road Dredge Rehandling Facility. It is located east and upstream of Terminal 6, along the left bank of the Columbia River at RM 104. The facility is comprised of a primary containment cell of approximately 4 acres, bermed to 6 feet creating a pond with a capacity of about 30,000 cubic yards. A weir will discharge water and suspended solids to a second cell approximately one acre in size where additional settling will take place. The applicants state that water from this cell may be recirculated to the dredge materials pumping system, but eventually will be discharged to the Columbia River after adequate settling and elutriate testing.

Characterization and contaminant testing of sediments proposed for removal has been conducted to determine the quality of the bulk dredged material, as well as the quality of the return water. Only DDT exceeded the Screening Levels (SL's) contained in the Dredged Material Evaluation Framework (DMEF) for determining suitability of sediments

for disposal. The exceedances were slight and inconsistent across sites and therefore the sediments were determined to be within the parameters of suitability for in-water disposal.

The Corps initiated informal consultation under the Endangered Species Act (ESA), and the Magnuson-Stevens Act with the National Marine Fisheries Service (NMFS) via a letter dated November 15, 2000. The Corps determined that the activities described in the applications were "not likely to adversely affect" listed species in Columbia or Willamette Rivers. The NMFS concurred with the Corps determination in a letter dated January 9, 2001.

Based on information provided by the applicant, DEQ does not anticipate any long-term violations of the Clean Water Act and State Water Quality standards, particularly 340-41-026 (1)(a), Antidegradation Policy for Surface Waters, provided the conditions which follow are incorporated into the permit.

The Columbia River is classified as Water Quality Limited under Section 303(d) of the Federal Clean Water Act for the parameters of water contact recreation (fall through spring), dissolved oxygen (summer), pH (spring), temperature (summer), total dissolved gas (annual), and toxics.

This reach of the Columbia River supports salmonid rearing and migration.

The Willamette River is classified as Water Quality Limited under Section 303(d) of the Federal Clean Water Act for the following parameters: Bacteria [Fecal coliform(Fall/Winter/Spring)]; Toxics: [Tissue-Mercury (Year Round)]; Temperature (Summer); and Biological Criteria (Fish Skeletal Deformities).

The Willamette River supports salmonid spawning, rearing and migration.

1) **Fish protection/ODFW timing :**

   a) All in-water work shall occur within the Oregon Department of Fish and Wildlife's (ODFW) preferred time window, as specified in: *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources, June 2000.*

   b) Provide for fish habitat; no obstruction or impediments to fish passage is to occur. No changes to stream gradient or negative impacts are to occur to the fishery.

2) **Turbidity/erosion controls:** The authorized work, during dredging or disposal, shall not cause turbidity in the Columbia or Willamette Rivers to exceed 10% above the natural turbidity 100 feet downstream from the discharge point. Turbidity shall be monitored during in-water work. Monitoring points shall be 100 feet upstream (representative background), 100 feet downstream, and at the discharge point. A turbidimeter is recommended, however, visual gauging of turbidity is acceptable. Visible project-related turbidity at 100 feet below the discharge point is considered to be an exceedance of the standard. For

information on turbidity monitoring, contact Larry Caton at the DEQ laboratory at 503-229-5983. The turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented as applicable, including, but not limited to:

a) Adequate settling time in the settling basin. Studies by the applicant have shown that a minimum of 4 days, and optimally 7 days is necessary for adequate settling of suspended solids.

b) Use filter bags, sediment fences, silt curtains, leave strips or berms, or other measures sufficient to prevent movement of spoils. These measures shall be inspected and maintained daily to ensure their proper function.

Turbidity shall be measured (or visually assessed) and recorded at a minimum, every two hours, during periods of active construction. The designated person attending the monitoring equipment shall be responsible for notifying the project foreman of any exceedance of the turbidity standard. If a 10 % exceedance of the background level occurs at 100 feet below the project site, modify the activity causing the problem and continue to monitor every two hours. If exceedances occur with two consecutive measurements (two hours apart) stop the activity causing the turbidity until the problem is resolved.

The Suttle Road Dredge Rehandle Facility shall be large enough to accommodate the quantity of material and water to be placed there in order to allow adequate settling. Return water turbidity from the rehandle site shall not exceed 10% above the background level in the Columbia River. The weirs in the settling basins shall be maintained at a height that allows no more than three inches of overflow water from the cell.

3) A *Sampling and Analysis Plan for Dredged Material Characterization* was prepared for the Port of Portland by Hart Crowser and submitted on September 22, 2000. The SAP is intended to evaluate the management of dredged material at Suttle Road or a similar site. The plan is accepted and will form the framework for the assessment of water quality resulting from dredging activities described above. Deviations from the plan shall be reviewed and approved by the DEQ. Under no circumstance may process water from the rehandle facility be discharged to the Columbia River before Modified Elutriate testing is performed and the results approved by DEQ. The dredged materials and return waters shall be adequately tested for all parameters for which the Columbia River is listed under federal Clean Water Act, Section 303(d).

4) If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline, or backhoe bucket, is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area. No dumping of partial or full buckets of material back into the project area will be allowed. No dredging of holes or sumps below maximum depth and subsequent redistribution of sediment by dredging or other means will be allowed.

5) If the dredging operation causes a water quality problem which results in distressed or dying fish, the operator shall immediately: cease operations; take appropriate corrective measures to prevent further environmental damage; collect fish specimens and water samples; and notify DEQ and the Oregon Department of Fish and Wildlife (ODFW).

6) Petroleum products, chemicals, or other deleterious waste materials shall not be allowed to enter waters of the State.

7) Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained in order to prevent spills into State waters.

8) In the event of a discharge of oil, fuel, or other chemicals into State waters, or onto land with a potential to enter State waters, containment and cleanup shall begin immediately and be completed as soon as possible.

9) Spills into State waters, or onto land with a potential to enter State waters, shall be reported immediately to the DEQ Spill Response Team [Northwest Region/Portland: (503) 229-5614].

10) This water quality certification (WQC) shall remain in effect for five years from the issuance date. DEQ reserves the option to modify, amend or revoke this WQC, as necessary, in the event new information indicates that the dredging/disposal activities are having a significant adverse impact on State water quality or critical fish resources.

11) A copy of this WQC letter shall be kept on the job site and readily available for reference by the Corps of Engineers, DEQ personnel, the contractor, and other appropriate state and local government inspectors.

12) This WQC is invalid if the project is operated in a manner not consistent with the project description contained in the Public Notice for certification.

13) DEQ requires site access on day of request.

14) If you are dissatisfied with the conditions contained in this certification, you may request a hearing before the Environmental Quality Commission. Such request must be made in writing to the Director of DEQ within 20 days of the mailing of this certification. You may also request written information about alternative dispute resolution services under Oregon Revised Statute 183.502, including mediation or any other collaborative problem-solving process.

The DEQ hereby certifies that this project complies with the Clean Water Act and state water quality standards, if the above conditions are made a part of the Federal permit.

The applicant shall notify the DEQ of any change in the ownership, scope, or construction methods of the project subsequent to certification. If you have any questions, please contact Tom Melville at 503-229-5845.

Sincerely,

Michael T. Llewelyn, Administrator
Water Quality Division

T:TM.Certlint.00-00950

cc: Applicant
Lori Warner, DSL
Ben Meyer, NMFS
Kathi Larsen, Jeremy Buck, USFWS
Jennifer Sutter, NWR